

**MICHAEL O. SCHEINBERG**  
Patent Attorney

# Fax

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**Organization:** United States Patent and Trademark Office  
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**Date:** May 16, 2005  
**Subject:** Petition to Rescind Abandonment  
**Pages:** 7 (including this cover sheet)

Application No.: 09/765,806

Art Unit: 2881

Filing Date: January 19, 2001

Examiner: Mary A El Shammaa

Inventor: Robert L. Gerlach et al.

Title: Shaped and Low Density Focused Ion Beams

In connection with the above-identified patent application, applicant submits the following:

1. Petition to Rescind Abandonment(2pp)
2. Issue Fee Transmittal(1pp)
3. Auto-Reply Facsimile Transmission(1pp)
4. PTO-2038 (Credit Card Payment Form)

Michael O. Scheinberg  
Reg. No.: 36,919

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Attorney Docket No.: F064

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICATION No.: 09/765,806

ART UNIT: 2881

FILING DATE: January 19, 2001

EXAMINER: Mary A. El Shammaa

INVENTOR(S): Robert L. Gerlach et al.

TITLE: Shaped and Low Density Focused Ion Beams

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Applicants petition the United States Patent and Trademark Office to withdraw the holding of abandonment for failure to pay issue fee for the above-identified patent application because the fee was timely submitted.

As described in our April 18, 2005 petition, the issue fee and publication fee were authorized to be charged to a credit card on a PTOL-2038, but the issue fee was apparently not charged because of a mix-up with a second issue fee for a different application that was submitted within a few minutes of the payment in question.

An April 25, 2005 Notice of Rescinded Abandonment was sent, and then a May 12, 2005 Notice of Abandonment indicated that the holding of Abandonment was not rescinded, apparently because our April 18, 2005 Petition did not include payment of the Issue Fee. Applicants had

**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence in being facsimile transmitted to the United States Patent and Trademark Office on May 16, 2005.

  
Name: Jan Dimmitt

Application No.: 09/765,806  
May 16, 2005

believed that the PTO would charge the payment using the original credit card authorization that was submitted with the December 8, 2004 issue fee payment.

Applicants hereby resubmit this Petition to Rescind Abandonment, along with a new Form PTO 2038 Credit Card Charge Authorization. The Commissioner is also authorized to charge any required fees to deposit account 50-1635. A duplicate copy of this authorization is attached.

Respectfully submitted,

Date: 5/16/05

By: 

Michael O. Scheinberg  
Pat. Reg. No. 36,919  
P.O. Box 164140  
Austin, Texas 78716-4140  
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12/P 2004 2:21 PM PAGE 1/001 Fax Server  
 reply fax to 512 306 3 COMPANY:

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 512 306 1963

Fax Information

Date Received:

12/8/2004 2:12:06 PM [Eastern Standard Time]

Total Pages:

3 (including cover page)

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Cover  
Page  
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12/08/2004 12:12 FAX 512 306 1963		MICHAEL O. SCHEINBERGQQ		005/007	
MICHAEL O. SCHEINBERG Patent Attorney					
1 December 8, 2004					
<h1>Fax</h1>					
Name:		Dear Sir or Madam			
Organization:		United States Patent and Trademark Office			
Fax:		1-703-746-4000			
From:		Michael O. Scheinberg			
		PO Box 164140			
		Austin, TX 78716-4140			
Phone:		(512) 324-9510			
Fax:		(512) 306-1963			
Date:		December 8, 2004			
Folioes No.:		F064			
Pages:		4 Pages (including this cover sheet)			
APP. NO. 09/764,806		ART. L. 1115: 2893			
APPLICANT: Robert L. Garbisch		EXAMINER: Mary A. H. Shumway			
FILING DATE: 01/19/2001					
TITLE: Shaped and Low Density Fused Ion Beam					
Comments:					
In connection with the above-identified application, applicants submit the following:					
1. Issue Fee Transmitted (in duplicate)					
2. Form PTO-2038					
Michael O. Scheinberg Patent Reg. No. 36,919					
<p><b>CONFIDENTIALITY NOTICE:</b> Unless otherwise indicated or obvious from the nature of the information contained in this document, the information is attorney privileged and confidential. It is intended for the use of the individual or entity named above. If the recipient of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone and return the original message to Michael O. Scheinberg at the above address via the U.S. Postal Service or our e-mail.</p>					
Mailing Address		Physical Address		Telephone, Voice (512) 324-9110	
P.O. Box 164140		2425 Rice Creek Rd., Suite 01		Fax (512) 306-1963	
Austin, Texas 78716-4140		Austin, Texas 78716-4091		E-mail: michael.scheinberg@uspto.gov	
PAGE 10 / APP. AT 12/08/2004 12:12 PM FAX 512 306 1963 / APP. NO. 09/764,806 / ART. L. 1115: 2893 / EXAMINER: MARY A. H. SHUMWAY / FOLIOES: 0064 / PAGES: 004					

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with fee(s), to: Mail

Mail Stop ISSUE 1  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

25764 7590 11/17/2004

MICHAEL O. SCHEINBERG

P.O. BOX 164140

AUSTIN, TX 78716-4140

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## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Margarita Marquez-Escalona

Depositor's name

(Signature)

December 8, 2004

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,806	01/19/2001	Robert L. Gerlach	F064	9171

TITLE OF INVENTION: SHAPED AND LOW DENSITY FOCUSED ION BEAMS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1370	\$300	\$1670	02/17/2005
EXAMINER	ART UNIT	CLASS-SUBCLASS			
EL SHAMMAA, MARY A	2883	250-492210			

Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Michael O. Scheinberg

2

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ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

FEI Company

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Hillsboro, Oregon

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

The following fee(s) are enclosed:

☒ Issue Fee☒ Publication Fee (No small entity discount permitted)☐ Advance Order - # of Copies

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.☒ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 50-1835 (enclose an extra copy of this form).

Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

A Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Michael O. Scheinberg

Date December 8, 2004

Typed or printed name

Registration No. 36,919

is collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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OL-85 (Rev. 11/04) Approved for use through 04/30/2007.

OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE